

REMARKS

Upon entry of the present amendment, claims 1, 4, 7, 9, 19, 20, 25 and 37 will have been amended to more clearly define the invention, while not substantially affecting or narrowing the scope of these claims. Further, claims 40-43, 45-47, 49-50, 52-55 and 57-60 will have been amended to correct minor informalities in the claim language. Applicant respectfully submits that all pending claims are now in condition for allowance.

Initially, Applicant notes that the Examiner objected to claim 27 as being the same as claim 26. Applicant respectfully disagrees, and points out that claim 26 recites that the switch controller is integral with the switching device, whereas claim 27 recites that the switch controller is integral with the service controller. The Examiner also objected to claim 37 with respect to “the predetermined signal.” By this Reply, Applicant has amended claim 37 to clarify that the predetermined signal refers to the ---first--- predetermined signal. Applicant therefore requests the Examiner to withdraw these objections.

In the above-referenced Official Action, the Examiner rejected claims 1-11, 20-27, 37, 38 and 51-54 under 35 U.S.C. § 103(a) as being unpatentable over CLARK et al. (U.S. Patent No. 5,970,064) in view of CHEN (U.S. Patent No. 6,563,835). The Examiner rejected claims 12, 14-19, 28, 29, 32-36 and 55 under 35 U.S.C. § 103(a) as being unpatentable over CLARK et al. in view of CHEN in further view of LYON et al. (U.S. Patent No. 5,892,924). The Examiner rejected claims 13, 30 and 31 under 35 U.S.C. § 103(a) as being unpatentable over CLARK et al. in view of CHEN and LYON et al. in further view of HUGHES et al. (U.S. Patent No. 5,842,040). The Examiner rejected claims 39-41 and 43-50 under 35 U.S.C. § 103(a) as being unpatentable over MA et al. (U.S.

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Patent No. 5,953,338) in view of LYON et al. The Examiner rejected claim 42 under 35 U.S.C. § 103(a) as being unpatentable over MA et al. in view of LYON et al. in further view of HUGHES. The Examiner rejected claim 56 under 35 U.S.C. § 103(a) as being unpatentable over MA et al. in view of CHEN. The Examiner rejected claims 57-59 under 35 U.S.C. § 103(a) as being unpatentable over MA et al. in view of CHEN in further view of CLARK et al. The Examiner rejected claim 60 under 35 U.S.C. § 103(a) as being unpatentable over MA et al. in view of CHEN in further view of LYON et al. Applicant respectfully traverses these rejections, at least for the reasons stated below.

The Examiner relied on CLARK et al. as the primary reference in rejecting the majority of the claims pending in the present application, i.e., claims 1-38 and 51-55, under 35 U.S.C. § 103(a). However, the CLARK et al. patent is fundamentally different from the claimed embodiments of the present invention. In particular, CLARK et al. is directed to control of admission to a network based on the capabilities and availability of network resources. *See* col. 8, lines 5-13. CLARK et al. do not teach or suggest enabling and establishing network connections based **on** policy and logic of a service, provided by a service controller, related to or requested by the user. Rather, CLARK et al. only disclose making network connections based on network resource policies, independently from the service being invoked (if any). Also, the “service requests” discussed by CLARK et al. only refer to the functionality provided by the network itself. *See, e.g.*, col. 7, lines 42 - col. 8, line 4; TABLE 1. In other words, the present invention has two levels – the policy and logic of the service and the policy and logic of the network over which the service is implemented. CLARK et al. only relates to and can thus, at best, teach only the latter.

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The Examiner relied on MA et al. as the primary reference in rejecting the remaining claims, i.e., claims 39-50 and 56-60, under 35 U.S.C. § 103(a). However, like CLARK et al., MA et al. is directed to control of admission to a network based on the capabilities and availability of network resources. *See col. 7, lines 13 – col. 8, line 11; Fig. 8.* MA et al. disclose that the admission control/usage monitor module 145 determines what virtual paths and virtual channels are needed depending on various factors, including virtual path network customer service contract agreement, traffic type, quality of service expectations and existing or expected traffic load and utilization. *See col. 7, lines 19-25.* This is consistent with the call admission process shown in Fig. 8, which considers only network (as opposed to service) related criteria, such as specified QOS, available bandwidth, overload conditions and the like. In comparison, for example, claim 39 of the present application recites a service control that is distinct from a network connection capability of the network. MA et al. do not teach or suggest enabling and establishing network connections based on policy and logic of a service, related to or requested by the user, under the control of a service controller, in addition to the policy and logic of the network itself under the control of the network connection capability controller.

Accordingly, withdrawal of the rejections of independent claims 1, 7, 20, 39, 44, 48, 51 and 56, as amended, based on combinations including CLARK et al. or MA et al. as the primary reference is respectfully requested.

With regard to claims 2-6, 8-19, 21-38, 40-43, 45-47, 49-50, 52-55 and 57-60, Applicant asserts that they are allowable at least because they depend, directly or indirectly, from independent claims 1, 7, 20, 39, 44, 48, 51 and 56, respectively, which Applicant submits have been shown to be

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allowable. However, these dependent claims are further distinguishable over the cited prior art for additional reasons.

For example, claims 12-19 and 28-36 recite use of a certificate to provide predetermined data related to the service. In the claimed embodiments, the certificates are used, for example, to specify permitted setup parameters. The Examiner relied on LYON et al. to teach a certificate to provide predetermined data, such as specifying setup parameters, relating to a service. However, LYON et al. discuss using labels for routing purposes, associating a particular flow of packets in an ATM network to enable dynamic shifting between switching and routing packets. According to LYON et al., packets with similar characteristics are grouped in a flow to promote efficiency. For example, flows carrying real-time traffic, having quality of service requirements or having long holding times may be configured to be switched whenever possible, while flows with anticipated short durations or database queries are handled by connectionless IP routing. *See col. 8, lines 10-29.* The labeling simply identifies the flow classification so that a system node can determine whether future packets belonging to the same flow should, e.g., be switched directly in the ATM switching engine or continue to be forwarded hop-by-hop by a router. *See col. 8, lines 38-45.* The labeling of LYON et al. has nothing to do with providing predetermined data *related to a service* or specifying permitted setup parameters.

This difference is underscored by the subject matter of the dependent claims, such as claims 13 and 30, which recite encrypting the certificate. While encrypting a certificate makes sense for initiating and enabling network connections, encrypting a *label* makes little or no sense for packet routing.

Accordingly, for at least these additional reasons, withdrawal of the rejections of claims 12-19 and 28-36 based on any combination including LYON et al. is respectfully requested.

In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of previously asserted rejections set forth in the Official Action of May 20, 2004, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Any amendments to the claims in this Reply, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions concerning this Reply or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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